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PATENT COOPERATION TREATY



PCT

10/532754

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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|--|--|---|
| Applicant's or agent's file reference 10690-SH-PCT | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/JP2003/013989 | International filing date (day/month/year) 31 October 2003 (31.10.2003) | Priority date (day/month/year) 01 November 2002 (01.11.2002) |
| International Patent Classification (IPC) or national classification and IPC B41J 13/00 | | |
| Applicant SHARP KABUSHIKI KAISHA | | |

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:
 - ☒ Box No. I Basis of the report
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☒ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application

| | |
|---|---|
| Date of submission of the demand 10 February 2004 (10.02.2004) | Date of completion of this report 26 May 2004 (26.05.2004) |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☐ the description:
 pages _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ the claims:
 pages _____, as originally filed/furnished
 pages* _____, as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ the drawings:
 pages _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
 - ☒ not complied with for the following reasons:

See supplemental sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

☒ all parts.

☐ the parts relating to claims Nos. _____

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV. 3.

The invention set forth in claim 1 contains a feature relating to paper transport which is known in the field of image-forming devices, and is therefore not an invention having a technical feature. Based on the fact that the invention set forth in claim 1 does not contain a technical feature, comparing the invention set forth in claim 2 with the invention set forth in claims 3 and 4, the two inventions are not acknowledged to contain a common technical feature.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 3, 4 | YES |
| | Claims | 1, 2 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-4 | NO |
| Industrial applicability (IA) | Claims | 1-4 | YES |
| | Claims | | NO |

2. Citations and explanations

Document 1: JP 8-276627 A (Canon Inc.), 22 October 1996

Document 2: Microfilm of the specification and drawings
annexed to the Japanese Utility Model
Application No. 101360/1990 (Laid-open No.
58355/1992) (Seiko Epson Corporation), 19 May
1992

The invention set forth in claims 1 and 2 lacks novelty in the light of documents 1 and 2 cited in the international search report. Document 1 sets forth an inkjet recording device having a first spur wheel (8A) provided in such a manner as to come into contact with the gap roller, and a second spur wheel (8B) and third spur wheel (8C) provided in such a manner as to come into contact with the paper discharge roller. Document 2 sets forth a printing device having a plurality of rollers (18a to 18d) provided opposite the lifting roller 17a.

The invention set forth in claims 3 and 4 does not involve an inventive step in the light of documents 1 and 2. It would be easy for a person skilled in the art to apply the feature concerning the positioning of a plurality of rollers (18a and 18b) set forth in document 2 to the positioning of the first spur wheel (8A) described

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in document 1.